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SARPONG, AKWASI				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/823,940

Applicant(s)

KURODA ET AL.

Examiner

AKWASI M. SARPONG

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/11/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/03/2006, 12/12/2007 and 03/27/2008, 10/23/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 7 claims "a computer readable medium storing a program ...". However, the claims do not define a computer readable medium storing a program to be a Non-transitory functional descriptive material encoded on a memory/disk/computer-readable medium, and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized"). Moreover, a "program" is neither a process ("action"), nor machine, nor manufacture, nor composition of matter (i.e., tangible "thing") and therefore non-statutory.

Such claimed "a computer readable medium storing a program ..." can contain (software) does not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized. As such, "program"/software, not claimed as embodied/encoded in computer-readable medium and is not statutory because the "program"/software is not capable of causing functional change in the computer. Because the full scope of the claim as properly read in light of the disclosure encompasses non-statutory subject matter, the claim as a whole is non-statutory and appears to be one type of claim that is considered nonstatutory, under

the present USPTO Interim Guidelines, 1300 Official Gazette Patent and Trademark Office 142 (Nov. 22, 2005).

The Examiner suggests amending the claim to include the disclosed Non-transitory computer readable media, while at the same time excluding the intangible media such as signals, carrier waves, etc...

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,3-5,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cariffe (6281872) in view of Barrett (5301036).

Claim 1, Cariffe disclose a print terminal (**Fig. 1 shows a print terminal**) comprising:

an image-capturing unit (**Fig. 1, El. 13 or scanner 13 is used to scan images – hence capture images**) for receiving image data and outputting captured. (**Col. 2 , Lines 1-8, thus the image or photo is captured by scanner 13 and printed out by printer 16**)

a display unit (**Fig. 1, El. 14 or display 14**) that displays a print image (**Flower**) superimposed on a print-medium image, (**Fig. 2, El. 41 shows the print medium or**

the paper and the flower superimposed together - understand that any portion of the document which is not part of the flower shows part of the medium or paper)
said print-medium image comprising a rectangular frame representing an outline of a sheet serving as a print medium, **(Col. 2 Lines 15-25, Fig. 2 , El. 41-understand that El 41 shown in fig. 2 is the flower superimposed on the print medium or paper)**

an image- processing unit configured to **(hardware driver 12 shown in Fig. 1)**
(ii) rotate the print image by a selected rotation angle **(Col. 2 lines 30-35 hence the print image is rotated by the angle that was entered by the user by selecting button 52)** and wherein said rotation angle is selectable within a range of one to ninety degrees, **(Col. 3 lines 31-45- hence the image can be rotated 45 degrees or 90 degree and therefore the range is between one and ninety)** and said image-processing unit is configured to rotate in response to input, **(Col. 3 lines 7-9- thus the image 143 is rotated by button 146- hence button 146 is used to input the response).**

Carriffe does not disclose that hardware driver 12 is configured to (i) rotate the print-medium image, and (ii) simultaneously rotate both the print image and the print-medium image in a common direction and also to rotate the orientation of the print medium image relative to the print image.

Barrett discloses an image processing unit configured to (i) rotate the print-medium image, **(Fig. 11 shows clearly that the image "A" stays the same while the rectangular box is rotated (medium)- please look at under Calendar or (400 b) and under number III and V from III to V it is clear that the image "A" stays the same**

while the medium which is the rectangular box is rotated) and (ii) simultaneously rotate both the print image and the print- medium image in a common direction. **(Col. 8, lines 36-50, Fig. 11- thus in order for the copier to output the image in a book form, the image "A" and the print medium has to be rotated as clearly shown in Fig. 11 under the calendar 400 (b) and it clearly shows that it is in a common direction)** and wherein said image-processing unit rotates orientation of the print medium relative to the print image. **(Col. 8 lines 34-48- thus the user uses image icon 195 to rotate the orientation of the image, which will affect how the image looks on the paper or the medium)** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Carriffe's hardware driver 12 to include rotating the medium and also both the image and the print medium simultaneously as well as rotating the orientation of both the print medium and the image so that the user can edit images in different ways as they desire. The motivation this modification is that it will give the user many options as to the choice of edits or changes that can be done with the image.

Claim 2- (Cancelled)

Claim 3, Carriffe in view of Barrett discloses a print terminal wherein rotating the captured image data by a rotation angle less than ninety degrees corrects a tilt of the captured image data. **(Carriffe: Col. 3 Lines 30-46, Fig. 6, El. 143 show a 45 degrees tilted image which was rotated by the user selecting or wherein (R=45)).**

Claim 4, Cariffe in view of Barrett discloses a print terminal that further comprising a reader **(Cariffe: Fig. 1, El. 13 thus the scanner is used to read the image as it is been scanned)** for reading the image data from a recording medium, wherein the image-capturing unit **(Cariffe: Scanner 13 is use to scan images)** receives image data read by the reader. **(Cariffe: Col. 1 Lines 61-67 and Col. 2 Lines 1-7-thus the scanner is used in scanning or reading hard copies into soft copies)**

Claim 5, Cariffe discloses a print system **(Fig. 1 shows a print system)** comprising:

A print terminal comprising: **(Fig. 1 is also a print terminal)**
an image-capturing unit for receiving image data **(Fig. 1 El. 13 or Scanner 13)**
and outputting captured image data **(Col. 2 , Lines 1-8, thus the image or photo is captured by scanner 13 and printed out by printer 16).**

a display unit **(Fig. 1, El. 14 or display 14)** that displays a print image **(Flower)** superimposed on a print-medium image, **(Fig. 2, El. 41 shows the print medium or the paper and the flower superimposed together - understand that any portion of the document which is not part of the flower shows part of the medium or paper)** said print-medium image comprising a rectangular frame representing an outline of a sheet serving as a print medium, **(Col. 2 Lines 15-25, Fig. 2 , El. 41-understand that El 41 shown in fig. 2 is the flower superimposed on the print medium or paper)**

an image- processing unit configured to **(hardware driver 12 shown in Fig. 1)**
(ii) rotate the print image by a selected rotation angle **(Col. 2 lines 30-35 hence the print image is rotated by the angle that was entered by the user by selecting button 52)** and wherein said rotation angle is selectable within a range of one to ninety degrees, **(Col. 3 lines 31-45- hence the image can be rotated 45 degrees or 90 degree and therefore the range is between one and ninety)** and said image-processing unit is configured to rotate in response to input, **(Col. 3 lines 7-9- thus the image 143 is rotated by button 146- hence button 146 is used to input the response).**

Carriffe does not disclose that hardware driver 12 is configured to (i) rotate the print-medium image, and (ii) simultaneously rotate both the print image and the print-medium image in a common direction and also to rotate the orientation of the print medium image relative to the print image.

Barrett discloses an image processing unit configured to (i) rotate the print-medium image, **(Fig. 11 shows clearly that the image "A" stays the same while the rectangular box is rotated (medium)- please look at under Calendar or (400 b) and under number III and V from III to V it is clear that the image "A" stays the same while the medium which is the rectangular box is rotated)** and (ii) simultaneously rotate both the print image and the print- medium image in a common direction. **(Col. 8, lines 36-50, Fig. 11- thus in order for the copier to output the image in a book form, the image "A" and the print medium has to be rotated as clearly shown in Fig. 11 under the calendar 400 (b) and it clearly shows that it is in a common**

direction) and wherein said image-processing unit rotates orientation of the print medium relative to the print image. (**Col. 8 lines 34-48- thus the user uses image icon 195 to rotate the orientation of the image, which will affect how the image looks on the paper or the medium)** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Carriffe's hardware driver 12 to include rotating the medium and also both the image and the print medium simultaneously as well as rotating the orientation of both the print medium and the image so that the user can edit images in different ways as they desire. The motivation this modification is that it will give the user many options as to the choice of edits or changes that can be done with the image.

Claim 6, - (Cancelled)

Claim 7, Cariffe discloses a computer- readable storage medium (**Fig. 1 El. 17- thus the program used in carrying out these steps are all stored in memory 17**) storing a program comprising the steps of:

displaying a print-medium image (**rectangular frame 41-part of the 41 which is not part of the flower**) and a print image, (**the flower shown in 41 n Fig. 2**) on a display unit (**Fig. 2, El. 41 shows the print medium or the paper which is going to be used to print the flower which is the image**) whereby said print image is displayed superimposed on the print-medium image, said print medium image comprising a rectangular frame representing an outline of a sheet serving as a print

medium, **(Col. 2 Lines 15-25, Fig. 2 , El. 41-understand that El 41 shown in fig. 2 is the flower superimposed on the rectangular sheet (print medium or paper))**

controlling, with an image-processing unit, an orientation of the print medium relative to the print image said image-processing unit being configured to (ii) rotate the print image by a selected rotation angle **(Col. 2 lines 30-35 hence the print image is rotated by the angle that was entered by the user by selecting button 52)** displaying a print preview of said print-medium image and the print image resulting from said at least one rotating step **(Fig. 3 El. 143 shows clearly how the final image is going to look like and the user can revert if it needs modification and thus it enables the user to preview the image finally before it is printed)** and wherein said image processing unit rotates, in response to a user input, **(Col. 2 lines 32-34- thus the user selects button 52 as a means of user response for rotation)**

Carriffe does not disclose that hardware driver 12 is configured to (i) rotate the print-medium image, and (ii) simultaneously rotate both the print image and the print-medium image in a common direction and also to rotate the orientation of the print medium image relative to the print image.

Barrett discloses an image processing unit configured to (i) rotate the print-medium image, **(Fig. 11 shows clearly that the image "A" stays the same while the rectangular box is rotated (medium)- please look at under Calendar or (400 b) and under number III and V form III to V it is clear that the image "A" stays the same while the medium which is the rectangular box is rotated)** and (ii) simultaneously rotate both the print image and the print- medium image in a common direction. **(Col. 8,**

lines 36-50, Fig. 11- thus in order for the copier to output the image in a book form, the image "A" and the print medium has to be rotated as clearly shown in Fig. 11 under the calendar 400 (b) and it clearly shows that it is in a common direction) and wherein said image-processing unit rotates orientation of the print medium relative to the print image. **(Col. 8 lines 34-48- thus the user uses image icon 195 to rotate the orientation of the image, which will affect how the image looks on the paper or the medium)** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Carriffe's hardware driver 12 to include rotating the medium and also both the image and the print medium simultaneously as well as rotating the orientation of both the print medium and the image so that the user can edit images in different ways as they desire. The motivation this modification is that it will give the user many options as to the choice of edits or changes that can be done with the image.

Claim 8, - (Cancelled).

Claim 9, -(Cancelled).

Response to applicant's remark

The remarks filed by the applicant on 09/10/2010 was considered by the examiner but was considered not persuasive.

With regards to claims 1,5 and 7, the applicant argues that the cited reference fails to teach or suggest an image-processing unit configured to (iii) simultaneously rotate both the print image and the print-medium image in a common direction."

In reply, examiner respectfully disagree because as explained in the Office action Carriffe discloses an image- processing unit configured to **(hardware driver 12 shown in Fig. 1) (ii) rotate the print image by a selected rotation angle (Col. 2 lines 30-35 hence the print image is rotated by the angle that was entered by the user by selecting button 52).**

Carriffe does not disclose that hardware driver 12 is configured to (i) rotate the print-medium image, and (ii) simultaneously rotate both the print image and the print-medium image in a common direction and also to rotate the orientation of the print medium image relative to the print image.

Barrett discloses an image processing unit configured to (i) rotate the print-medium image, **(Fig. 11 shows clearly that the image "A" stays the same while the rectangular box is rotated (medium)- please look at under Calendar or (400 b) and under number III and V form III to V it is clear that the image "A" stays the same while the medium which is the rectangular box is rotated)** and (ii) simultaneously rotate both the print image and the print- medium image in a common direction. **(Col. 8, lines 36-50, Fig. 11- thus in order for the copier to output the image in a book**

form, the image "A" and the print medium has to be rotated as clearly shown in Fig. 11 under the calendar 400 (b) and it clearly shows that it is in a common direction) and wherein said image-processing unit rotates orientation of the print medium relative to the print image. **(Col. 8 lines 34-48- thus the user uses image icon 195 to rotate the orientation of the image, which will affect how the image looks on the paper or the medium)** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Carriffe's hardware driver 12 to include rotating the medium and also both the image and the print medium simultaneously as well as rotating the orientation of both the print medium and the image so that the user can edit images in different ways as they desire. The motivation this modification is that it will give the user many options as to the choice of edits or changes that can be done with the image.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKWASI M. SARPONG whose telephone number is (571)270-3438. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/

Supervisory Patent Examiner, Art Unit 2625

/Akwas M Sarpong/

Examiner, Art Unit 2625

11/15/2010